IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 4276 of 2005

Between:

Papigari Balachennaiah, S/o. Ramaiah,
R/o. Yenugonda Village, Mahaboobnagar Mandal & District.

..... PETITIONER

AND

1 The Joint Collector & Additional District Magistrate, Mahaboobnagar District at Mahaboobnagar.
2 The Revenue Divisional Officer, Mahaboobnagar Division Office at Mahaboobnagar.
3 Sri V. Krishnamachari, S/o. Ramachari,
R/o. Timmasanipalli Village, Mahaboobnagar Mandal and District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue an order or direction more particularly one in the nature of writ of mandamus declaring the action of the 1st respondent in issuing Impugned Proceedings, dt. 17.2.2005 in File No.F1/82/2005 staying all further proceedings in File No.K/752/2005 filed by the petitioner U/s. 38D of A.P. (T.A.) Tenancy and Agriculture Landa Act, 1950, as illegal, unlawful, arbitrary, without jurisdiction and against the provisions of A.P. (T.A.), Tenancy and Agricultural lands Act 1950, and consequently direct the 2nd respondent to expedite the hearing in File No. K/752/2002.

Counsel for the Petitioner:MR.M.DAMODAR REDDY

Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE

Counsel for the Respondent No.3 : None appeared

The Court at the stage of admission made the following :

ORDER:

This writ petition is filed questioning the proceedings of the first respondent-Joint Collector and Additional District Magistrate, Mahaboobnagar District, dated 17.02.2005, granting stay of the order passed by the 2nd respondent-Revenue Divisional Officer, Mahabubnagar in I.A.No.K1515 of 2005 in File No.K/752/2002.

As can be seen from the material on record, the third respondent herein filed a revision petition under Sections 90(3) and 91 of Andhra Pradesh (Telengana Area) Tenancy and Agricultural Lands Act, 1950 (for short "the Act"), before the first respondent, aggrieved by the order passed by the second respondent dated 07.02.2005 rejecting the application to decide the maintainability of the proceedings initiated under the Act. The first respondent, under the impugned order, while calling for the records from the second respondent, ordered stay of all further proceedings in furtherance of the order passed by the second respondent dated 07.02.2005.

Having heard learned counsel for the petitioner and the learned Government Pleader appearing for respondents 1 and 2, I am of the view that since the proceedings are pending before the first respondent, appropriate course available to the petitioner is to appear before the first respondent and to contest the proceedings pending on his file. While the statutory proceedings are pending before the competent authority, it is not open to the petitioner to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

Accordingly, the writ petition is disposed of granting leave and liberty to the petitioner to file appropriate application before the first respondent to vacate the stay granted under the impugned proceedings dated 17.02.2005, in which event, the first respondent shall consider the same and pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of two weeks from the date of receipt of this order. No costs.

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04.03.2005

Note : Furnish C.C by tomorrow.

(B/O)

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To

1 The Joint Collector & Additional District Magistrate,
Mahaboobnagar District at Mahaboobnagar.

2 The Revenue Divisional Officer, Mahaboobnagar Division Office at Mahaboobnagar.
3 Two C.Cs to the G.P for Revenue, High Court Buildings, Hyderabad (OUT).

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